



COUNTY OF SAN BERNARDINO
STANDARD PRACTICE

NO 11-1.20 Revised ISSUE 7/97
Nenita Belen, M.D. PAGE 1 OF 3
BY Bill Fry EFFECTIVE 4/1/95

DEPARTMENT

BEHAVIORAL HEALTH

SUBJECT

POLICIES REGARDING AUTHORIZATION
AND DESIGNATION PURSUANT TO THE
LANTERMAN-PETRIS-SHORT ACT

APPROVED

James McReynolds
James McReynolds, Director

I PURPOSE

- A. To establish Department of Behavioral Health (DBH) policy for persons authorized to exercise authority under Welfare and Institutions Code (W&I) Code Section 5150 and 5585.50, as set forth in II through V below.
- B. To establish DBH policy regarding designation of facilities authorized to operate pursuant to the Lanterman-Petris-Short Act, including but not limited to Sections 5150, et seq., 5250 et seq., 5260 et seq. and 5300 et seq. Reference is made to the San Bernardino Board of Supervisors approved "Criteria for Designation of Facilities" (Attachment 1), "Procedures for New Designation" (Attachment 2), and "Procedures for Review of Designation (Biannually)" (Attachment 3).
- C. Nothing herein is to be construed as superseding the prior action of the Board of Supervisors taken on January 19, 1987 relative to:
- (I) designation of the Department of Behavioral Health, Continuing Care Program, as conservatorship investigator;
 - (ii) designation of the Behavioral Health Counselor, Superior Court, to initiate court-ordered evaluations; and
 - (iii) establishment of the County Patients Rights Office.

II SAN BERNARDINO COUNTY DBH (County Operations)

- A. The Director of DBH or his designee will be the authority who designates and approves the number of persons to exercise authority under 5150. Persons receiving 5150 authority may include the following:
- 1. DBH Psychiatrists;
 - 2. All licensed Clinic Supervisors;
 - 3. One Clinical Therapist II per clinic;
 - 4. Emergency room physicians who work at the San Bernardino County Medical Center.

III CONTRACT PSYCHIATRIC HOSPITALS AND/OR FREESTANDING PSYCHIATRIC FACILITIES WITH DESIGNATION UNDER THE LANTERMAN-PETRIS-SHORT ACT.

A. The Director of DBH may authorize the following number of persons to exercise authority under 5150:

1. Three licensed professionals per shift in the psychiatric unit of the hospital/facility;
2. Licensed psychiatrists who have admission privileges in the hospital/facility;
3. Any deviation must be approved by DBH's Deputy Director of Medical Services.

The above-referenced professionals can only "write 5150's" to their own facilities.

IV PRIVATE HOSPITALS OR FREESTANDING PSYCHIATRIC FACILITIES WHICH HAVE NO DESIGNATION UNDER THE LANTERMAN-PETRIS-SHORT ACT

A. The Director of DBH or his designee may limit the number of persons authorized to "send 5150's" to Ward B as follows:

1. Three licensed professionals in the psychiatric unit of the hospital/facility;
2. Licensed psychiatrists who have admission privileges in the hospital/facility.

V REVOCATION OR TERMINATION OF 5150 AUTHORIZATION

The Director of DBH or his designee may revoke and/or terminate the 5150 authorization of any individual under the following non-inclusive circumstances:

- A. Consistently inappropriate 5150's as determined by the 5150 training staff by review of documentation;
- B. Failure to execute 5150 authority during the authorization period (two years);
- C. Change of job responsibilities and/or assignment or termination from

employment, resulting in an individual's failure to meet the criteria necessary to receive 5150 authority.

D. Abuse of 5150 authority as determined by the 5150 Training Committee.

The Training Committee consists of:

1. The Director of DBH or his designee;
2. Patients' Rights Advocate;
3. Ward B Director of Nurses.

VI. GENERAL PROVISIONS

- A. Any person authorized to "write a 5150" must be a licensed physician, licensed psychologist, licensed registered nurse, licensed psychiatric social worker, licensed marriage-family counselor or a psychiatric technician. The psychiatric technician will only be authorized if he/she is a member of a P.E.T. team. A copy of said license must be submitted prior to taking and passing a written test which will be administered by the DBH Deputy Director of Medical Services Office. Exceptions can be made in special circumstances by the DBH Director to the extent permitted by law.
- B. All persons so authorized shall have a picture identification card issued to them by the DBH. It shall be the responsibility of the agency/facility to obtain the authorized person's picture identification card upon termination of employment. The agency/facility shall return all cards to DBH in order to obtain a replacement card, where appropriate.
- C. The period of authorization shall be two (2) years from the date issued and shall be indicated on the picture identification card.
- D. Professional staff with existing 5150 authorization have to attend DBH's 5150 training and pass the written examination prior to expiration of the two-year authorization.

**CRITERIA FOR DESIGNATION OF FACILITIES TO
INVOLUNTARILY DETAIN MENTALLY DISORDERED PERSONS
FOR EVALUATION AND TREATMENT PURSUANT TO
THE LANTERMAN-PETRI-SHORT ACT**

A. Introduction

The designation of a particular hospital facility shall enhance the capability of the mental health services delivery system in the geographical region and in the County. Hospital facilities must be recommended by the local Behavioral Health Director and approved by the Board of Supervisors and State Department of Mental Health.

B. Criteria

1. Said facilities shall meet such requirements as the State Director of Mental Health shall establish by regulation, as well as other legal requirements, and shall maintain all applicable current licenses. (Federal facilities shall be exempted from those state and local laws which are superseded by federal laws.)
2. Said facilities must specifically meet those requirements and standards set forth in Division 5 of the Welfare and Institutions Code (commencing with Section 5000), and Title 9, California Code of Regulations. Included hereunder is the requirement to meet those staffing standards in Sections 623-632 and 663, and Article 9 of Subchapter 3 of those regulations commencing with Section 640.
3. Since the designation is to provide evaluation and treatment services for persons determined to be dangerous to self or others and/or gravely disabled, as a result of mental disorder, those sections of the licensing regulations in Title 22, Division 5 of the California Code of Regulations commencing with Section 759, relevant to the clinical needs of the above classes of persons, shall be followed.
4. No designated facility shall show any gross violations of clinical practice and/or safety precautions relevant to the class of persons for whom the designation applies, even though the violations are not explicitly covered by licensing standards. Any such gross violations, as determined by the local Mental Health Director or designee, can result in discontinuance of the designation.
5. The facility agrees to assume the full responsibility for assuring appropriate patient care and accepts all legal obligations relevant thereto.

6. The facility agrees to accept 5150 evaluations for persons meeting the criteria when the said facility is the closest receiving facility. Evaluations will be completed regardless of the patient's ability to pay.
7. The facility shall establish a utilization review mechanism similar to the Medical system and shall allow relevant inspection by the San Bernardino County Department of Behavioral Health.
8. The facility shall allow San Bernardino County Department of Behavioral Health to review the facility for initial designation and for continuation of such designation. Review shall take place at least every two years and shall consist of at least the following: analysis of reports, site visits, and medical records review, including utilization review, ensuring due process rights and the safeguarding of patients' rights.
9. The facility shall notify the Director of the County Department of Behavioral Health of any changes related to the criteria for designation.
10. The facility agrees that it does not expect the County of San Bernardino, to assist in meeting the expenses incurred in treating patients accepted under said designations.
11. The facility agrees that once it initiates a "detainment period" (72 hours, 14 days, second 14 days, or 180 days), it will not terminate said period **solely** because the patient involved is unable to arrange for payment for care.
12. The facility agrees that, should it decide to terminate care at the end of a "detainment period" even though the patient still needs care, it will make arrangements for the transfer of the patient to a facility where the indicated level of care is available, or allow the patient to enter a Voluntary Status.
13. The facility shall keep the 5150 authorization list current. In the event that authorized 5150 staff terminate employment, or there are changes of responsibilities in said staff's assignments, the facility shall notify the Deputy Director of Medical Services of the County Department of Behavioral Health within 30 days of those terminations/changes.
14. If the facility is to operate a Psychiatric Assessment Team (PAT), the PAT must be approved by the Director of the County Department of Behavioral Health. The PAT will "write 5150's" only to its own facility. A request for PAT approval must include:
 - a. The philosophy of operation;

- b. The geographical areas to be covered;
 - c. The disciplines of its members, including names and titles.
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- 15. The facility agrees to participate in periodic staff training sessions as established by the County Behavioral Health Patients' Rights Advocate.
 - 16. The facility agrees to provide a Patient Representative that has no direct treatment involvement to act as Certification Review Advocate.
 - 17. The facility agrees to provide a Certification Review Hearing Officer as approved by County Counsel, the Director of County Behavioral Health, and the law firm which represents persons involuntarily detained for evaluation and treatment.
 - 18. The facility agrees to follow the requirements of the Welfare and Institutions Code relative to treatment with antipsychotic medications, including initiating medication capacity hearings where necessary.
 - 19. The facility agrees to timely submission of required reports to the San Bernardino County Department of Behavioral Health Patient Rights' Advocate.

PROCEDURE FOR NEW DESIGNATION

- A.** The facility applicant makes a written request for designation to the Director of the County Department of Behavioral Health. The request shall be accompanied by a statement of compliance with the criteria, set forth in Attachment 1, as well as written procedures to include due process rights governing patient rights notification, certification review hearings, medication capacity hearings, and, if applicable, written procedures regarding electroconvulsive treatment.
- B.** The County Behavioral Health Director or his/her designee and the County Patients' Rights Advocate, shall conduct a site visit and make a recommendation to the County Director of Behavioral Health.
- C.** The County Behavioral Health Director may thereafter request that the San Bernardino County Board of Supervisors' designate the facility as one authorized to involuntarily evaluate and treat mentally-disordered persons pursuant to the Lanterman-Petris-Short Act.

PROCEDURE FOR REVIEW OF DESIGNATION

- A.** At least every two years, the Director of the County Department of Behavioral Health or his/her designee and the Patients' Rights Advocate, shall conduct a review of the facility. The review shall follow the guidelines indicated in Attachment 2.
- B.** The Director of the County Department of Behavioral Health shall be notified through established channels of the review findings including a recommendation to continue or discontinue the designation. The recommendation may occur at any time. The County Behavioral Health Director may continue the designation, temporarily withdraw the designation for a period of time not to exceed 60 days (for the purpose of corrective action and assurance of future compliance) and/or recommend to the Board of Supervisors to terminate the designation.

The County Behavioral Health Director shall notify the facility administrator and Director of Nursing of the decision to continue or terminate designation. If the decision is to terminate the designation, the local Behavioral Health Director shall notify the facility of the action taken. Temporary withdrawal of designation is a Departmental administrative decision requiring no action by other entities. The Patients' Rights Office shall be notified of all actions concerning designation of facilities.

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